

11/27/01  
1135 U.S. PRO

PATENT  
Customer Number 22,352  
Attorney Docket No. 05884.0020-03000  
(ELL004-CON1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS AND TRADEMARKS  
Washington, D.C. 20231

10979 U.S. PRO  
09/993665  
11/27/01

Prior Application Art Unit: 3278 Prior Application Examiner: A. Stashick

SIR: This is a request for filing a

☒ Continuation Application under 37 C.F.R. § 1.53(b) of pending prior U.S. Application No. 08/452,490, filed May 30, 1995, which is a continuation of U.S. Application No. 08/142,120, filed October 28, 1993, now abandoned, which is a continuation of U.S. Application No. 07/830,747, filed February 7, 1992, now abandoned, which is a continuation of U.S. Application No. 07/416,478, filed October 3, 1989, now abandoned, of Frampton E. Ellis, III, for SHOE SOLE STRUCTURES.

1. ☒ Enclosed is a complete copy of the prior application including drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior U.S. Application No. 07/416,478, as originally filed on October 3, 1989, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ☐ Cancel Claims \_\_\_\_\_.
5. ☐ A Preliminary Amendment is enclosed.
6. ☒ The filing fee, including the extra claims fee, is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

09993665-112701

Basic Application Filing Fee					\$740	\$ \$740.00
	Number of Claims		Basic	Extra Claims		
Total Claims	20	-	20	0	x \$18	0.00
Independent Claims	4	-	3	1	x \$84	\$ 84.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$280	
Subtotal						\$ 824.00
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 824.00

7. ☒ This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant awaits notification from the Patent and Trademark Office of the time set for paying the filing fee.
8. ☒ The Commissioner is hereby authorized to charge any other fees not accounted for above, with the exception of the filing fee, which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before line 2 on page 1, the following new paragraph:

--This is a continuation of U.S. Application No. 08/452,490, filed May 30, 1995, which is a continuation of U.S. Application No. 08/142,120, filed October 28, 1993, now abandoned, which is a continuation of U.S. Application No. 07/830,747, filed February 7, 1992, now abandoned, which is a continuation of U.S. Application No. 07/416,478, filed October 3, 1989, now abandoned, all of which are hereby incorporated by reference.--

10. ☒ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to: Anatomic Research, Inc.

T02211599E6560

*ad*

12. ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119. A certified copy
- ☐ is enclosed or ☐ is on file in the prior application.
13. ☐ Small entity status is appropriate and applies to this application.
14. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A.

FOOTNOTES


Manspeizer, Reg. No. 37,540; John Rissman, Reg. No. 33,764; M. Lawrence Oliverio, Reg. No. 30,915; and Roland G. McAndrews, Jr., Reg. No. 41,450.

15. ☐ The power appears in the original declaration of the prior application.
16. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
18. ☐ Recognize as associate attorney \_\_\_\_\_
19. ☐ Also enclosed is \_\_\_\_\_

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in parent U.S. Application No. 08/452,490, filed May 30, 1995, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 27, 2001

By:   
Roland G. McAndrews, Jr.  
Reg. No. 41,450

238491\_1

FOOTNOTES

**00000000000000000000**


In re 53(b) Continuation Application of: )  
Application No.: 08/452,490 ) Prior Group Art Unit: 3278  
Inventor: Frampton E. ELLIS, III ) Prior Examiner: A. Stashick  
Filed: November 27, 2001 )  
For: SHOE SOLE STRUCTURES )

Sir:

Subject to the approval of the Examiner, please replace the informal drawings with the eight (8) sheets of formal drawings filed herewith (Figs. 1-15F). If the formal drawings for any reason are not in full compliance with the pertinent statutes and regulations, please so advise the undersigned.

Respectfully submitted,

Dated: November 27, 2001

By:   
Roland G. McAndrews, Jr.  
Reg. No. 41,450

**LAW OFFICES**  
**FINNEGAN, HENDERSON,**  
**FARABOW, GARRETT,**  
**& DUNNER, L.L.P.**  
**1300 I STREET, N. W.**  
**WASHINGTON, DC 20005**  
**202-408-4000**